

AMENDED IN ASSEMBLY MAY 5, 2003

AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1042**

**Introduced by Assembly Member Parra**

February 20, 2003

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An act to add Title 8.5 (commencing with Section 7560) to Part 3 of the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 1042, as amended, Parra. Inmates: use of pepper spray in State Department of Mental Health facilities.

Existing law generally regulates the Department of Corrections, including the imposition of various duties relating to the medical testing of prisoners.

This bill would require the State Department of Mental Health to issue pepper spray to ~~Department of Corrections~~ medical technical assistants while on duty and assigned to State Department of Mental Health facilities *located within state prisons*.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Title 8.5 (commencing with Section 7560) is  
2 added to Part 3 of the Penal Code, to read:  
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## TITLE 8.5. OC PEPPER SPRAY

7560. (a) *The* State Department of Mental Health shall issue OC pepper spray to all ~~Department of Corrections~~ medical technical assistants while on duty and assigned to State Department of Mental Health facilities *located within state prisons*.

(b) The OC pepper spray dispenser shall be of the same type and capacity as those used by medical technical assistants and correctional officers in ~~other~~ Department of Corrections facilities.

(c) The State Department of Mental Health shall establish procedures for the use of OC pepper spray on inmates housed in State Department of Mental Health facilities. Those procedures shall permit the use of OC pepper spray by medical technical assistants in cases of self-defense or the defense of others ~~to the same extent as those uses are permitted in prison~~.